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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/608,515

06/26/2003

Brett Error

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RAUBVOGEL LAW OFFICE  
820 LAKEVIEW WAY  
REDWOOD CITY, CA 94062

EXAMINER

FRITZ, BRADFORD F

ART UNIT

PAPER NUMBER

2141

MAIL DATE

DELIVERY MODE

05/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/608,515	<b>Applicant(s)</b> ERROR ET AL.	
	<b>Examiner</b> BRADFORD F. FRITZ	<b>Art Unit</b> 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-23, 25-27 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-23, 25-27, and 29-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, filed 2/05/2008, with respect to the rejection(s) of claim(s) 1-29 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Burema et al. (2002/0029290).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12, 14-23, 25-27, and 29-31 rejected under 35 U.S.C. 102(e) as being anticipated by Burema et al. (2002/0029290), hereinafter referred to as Burema.

4. Regarding claims 1 and 18, Burema disclosed a.) receiving a request for a resource, the request originating at a client (paragraph 0045); b.) determining whether the request for the resource includes a visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b); c.) responsive to the request not including the visitor identifier: assigning a new visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b); and

sending a redirection request with the new visitor identifier to the client (paragraph 0031 and 0071-78 and Figs. 3a-b); responsive to the client storing the new visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b), determining that the client accepts visitor identifiers (paragraph 0031 and 0071-78 and Figs. 3a-b); and responsive to the client not storing the new visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b), determining that the client does not accept visitor identifiers (paragraph 0031 and 0071-78 and Figs. 3a-b).

5. Regarding claims 3 and 19, Burema disclosed a.) receiving a request for a resource from a requestor, the requestor having an address (paragraph 0045); b.) determining whether the request includes a visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b); c.) responsive to the request including a visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b), obtaining data associated with the visitor identifier and determining that the requestor accepts visitor identifiers: d.) responsive to the request not including a visitor identifier: b d.1) determining whether the request includes a indicator that step d.3) has been performed (paragraph 0031 and 0071-78 and Figs. 3a-b); e d.2) responsive to the request including the indicator that step d.3) has been performed (paragraph 0031 and 0071-78 and Figs. 3a-b), assigning a visitor identifier from the requestor's address and determining that the requestor does not accept visitor identifiers (paragraph 0031 and 0071-78 and Figs. 3a-b); d.3) responsive to the request not including the indicator that step d.3) has been performed: assigning a new visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b); sending to the requestor a

redirection request including the new visitor identifier and an indicator that step d.3) has been performed; and repeating steps a-d (paragraph 0031 and 0071-78 and Figs. 3a-b).

6. Regarding claims 2, 4, 6, 8, 12, 15, 17, and 20 Burema disclosed a method wherein the visitor identifier comprises a cookie (paragraph 0031).

7. Regarding claim 5, Burema disclosed a method wherein determining whether the request for the resource included a visitor identifier further comprises the steps of: comparing the visitor identifier with a range of valid visitor identifiers (paragraph 0031 and 0071-78 and Figs. 3a-b); and, in response to the visitor identifier being outside the range of valid visitor identifiers (paragraph 0031 and 0071-78 and Figs. 3a-b), indicating that the request did not include the visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b).

8. Regarding claim 7, Burema disclosed categorizing data sent with the request for the resource by at least one selected from the group consisting of a visitor identifier, a page identifier, and a time stamp (paragraphs 0045-50 and 0031).

9. Regarding claim 9, Burema disclosed repeating steps a-d for a predetermined amount of time (paragraphs 0045-50).

10. Regarding claim 10, Burema disclosed repeating steps a-d until receiving a particular request for a resource (paragraph 0031 and 0071-78 and Figs. 3a-b).

11. Regarding claim 11, Burema disclosed determining that the requestor does not accept visitor identifiers (paragraph 0031 and 0071-78 and Figs. 3a-b); d.3) responsive to the request not including the indicator that step d.3) has been performed: assigning a new visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b); sending to the

requestor a redirection request including the new visitor identifier and an indicator that step d.3) has been performed (paragraph 0031 and 0071-78 and Figs. 3a-b); and repeating steps a-d (paragraph 0031 and 0071-78 and Figs. 3a-b).

12. Regarding claim 14, Burema disclosed sending, from a client, a first request for a resource to a data collection server (paragraph 0045); in response to the first request not including a visitor identifier: receiving a new visitor identifier and a redirection request from the data collection server (paragraph 0031 and 0071-78 and Figs. 3a-b); responsive to the client storing the new visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b), sending a second request for a resource with the new visitor identifier to the data collection server; and responsive to the client not storing the new visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b), sending a second request for a resource without the new visitor identifier to the data collection server (paragraph 0031 and 0071-78 and Figs. 3a-b); and receiving the requested resource (paragraph 0031 and 0071-78 and Figs. 3a-b).

13. Regarding claim 16, Burema disclosed sending, from a client, a first request for a resource to a data collection server (paragraph 0045); in response to the first request not including a visitor identifier: a) receiving a new visitor identifier and a redirection request from the data collection server (paragraph 0031 and 0071-78 and Figs. 3a-b), the redirection request including an indicator that step c) has been performed; b) responsive to the client storing the new visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b), sending a second request for a resource with the new visitor identifier to the data collection server (paragraph 0031 and 0071-78 and Figs. 3a-b), the second

request including an indicator that step c) has been performed; and c) responsive to the client not storing the new visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b), sending a second request for a resource without the new visitor identifier to the data collection server (paragraph 0031 and 0071-78 and Figs. 3a-b), the second request including an indicator that step c) has been performed; and receiving the requested resource (paragraph 0031 and 0071-78 and Figs. 3a-b).

14. Regarding claims 21, 25, and 29 Burema disclosed wherein the received request identifies a resource (paragraph 0045), and the redirection request identifies the same resource identified by the received request (paragraph 0045).

15. Regarding claims 22 and 26, Burema disclosed wherein the received request identifies an address (paragraph 0045), and the redirection request identifies the address identified by the received request (paragraph 0045).

16. Regarding claim 23, Burema wherein sending a redirection request comprises sending a redirection request including an indicator that step c) has been performed (paragraph 0031 and 0071-78 and Figs. 3a-b).

17. Regarding claim 27, Burema disclosed wherein receiving a redirection request comprises receiving a redirection request including an indicator that a first request has been received (paragraph 0045), and wherein the second request for a resource includes the indicator that a first request has been received (paragraph 0045).

18. Regarding claims 30 and 31, Burema disclosed repeating steps a-c until reaching a session expiration (paragraphs 0045-50 and Figs. 3a-b).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **BRADFORD F. FRITZ** whose telephone number is (571)272-3860. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. F. F./  
Examiner, Art Unit 2141

/Andrew Caldwell/  
Supervisory Patent Examiner, Art Unit 2142